

Dismantling of Vehicles for Parts Selling and Salvage Storm Water Associated with Industrial Activity WPDES Permit NO. S059145-1

Briefing Memo Industry-Specific General Permit Coverage

Industry-specific storm water general discharge permits customize the permit requirements contained in ch. NR 216, Wis. Adm. Code, to characteristics common to an industry. Ch. NR 216, Wis. Adm. Code, defines the conditions under which storm water associated with industrial activity can be discharged so that waters of the state (including surface waters, ground water, and wetlands) will be protected. This industry-specific general permit has the same basic elements of pollution prevention planning, monitoring, and compliance reporting as the state-wide tier one general permit. This industry-specific general permit, however, is distinguished by providing a dual track towards achieving the same goal of eliminating, to the maximum extent practicable, the discharge of pollutants carried by storm water runoff. An appendix is presented as a comparison for those who are familiar with the tier one requirements.

The Wisconsin Department of Natural Resources (Department) has assumed authority to administer the U.S. Environmental Protection Agency's NPDES program that requires storm water discharge permits for industrial facilities. Automotive dismantling for parts selling and salvage facilities are among the tier one category of facilities required to apply for storm water discharge permit coverage (s. NR 216.21(2)(a)(2), Wis. Adm. Code). Most of the other industries in the tier one category that applied for a permit were granted coverage on December 12, 1994 under the general Tier 1 WPDES Storm Water Discharge Permit No. WI-S067849.

The Concerned Auto Recyclers of Wisconsin, Inc. (CARS) association has been proactive in working with the Department in development of an industry-specific storm water general discharge permit for facilities with Standard Industrial Code (SIC) 5015 - Motor Vehicle Parts, Used. This permit was then modeled after the Storm Water Discharge Permit No. WI-S058831, *Recycling of Scrap and Waste Materials* which was written using the rules in ch. NR 216, Wis. Adm. Code. CARS proposed changes to the scrap recycling permit so that it applied to the vehicle parts dismantling industry. This permit was initially public noticed on December 17, 1998 and three public informational hearing were held on January 25, 26, and 27. Due to significant comments and concerns from organizations forming CCPs, the Department added a new section (Part E.) to the permit. Part E. consists of requirements for an organization to follow in order to become and remain eligible as a CCP under the permit. The permit was then public noticed again on May 28, 1999 and two public information hearings were held on June 29th and 30th. No one made a formal comment on the record at either of the June 29th or 30th informational hearings. There were several comments made from organizations interested in becoming CCPs. Due to these comments, additional changes were made to Part E. of the permit. A summarization of these comments and Department's responses was made.

General Description of Discharges Covered Under This Permit

This permit is applicable to point source discharges of storm water that has come into contact with handling equipment or activities, inbound vehicles, vehicle parts dismantling operations, vehicle parts and fluid storage, vehicle parts for scrap, and other associated processing activities and machinery. The discharges can be either direct or via a separate storm sewer system, to waters of the state (including surface waters, wetlands, groundwater, and municipal and private separate storm sewers) provided that the discharge is in accordance with the conditions set forth in this permit.

Dischargers will automatically be considered for coverage if the required application information has been submitted to the Department on DNR Form 3400-163 Notice of Intent or if the discharger is included under a Group Storm Water Permit Application prepared in accordance with 40 CFR Part 122.26 and approved by the US EPA. Additional persons seeking coverage under this permit should send a written request with their initial application. Coverage becomes effective upon receipt by the discharger of a copy of the industry-specific general permit and a cover letter from the Department specifying that the Department has determined coverage under the permit is appropriate. Since this permit covers storm water, a facility may need to be covered under another wastewater general permit if there are different types of wastewater streams that a facility discharges.

Dual Track Permit Requirements

The current tier 1 permit requires that each permittee manage their own compliance by developing a storm water pollution prevention plan and performing monitoring including chemical sampling of storm water. This industry-specific permit, on the other hand, provides a choice or a dual track of requirements to follow. There is a Plan A for those that make a commitment to working in a privatized cooperative compliance program and a Plan B for those who will choose to manage their own compliance. All permittees will need to control specific sources of pollution identified in the permit, implement best management practices, and practice pollution prevention. Facilities will not be required to perform storm water sampling if they choose Plan A and commit to a program sponsored by permittee(s) that complies with Part E of this permit to provide annual training, pollution prevention plan certification and annual auditing and review. Plan B permittees will be required to perform storm water sampling for specific constituents identified in the permit as a means to evaluate the effectiveness of best management practices.

The Plan A requirements are all of permit Parts A, B, C, (but not D or E) and F. The Plan B requirements are all of permit Parts A, B, (but not C), D, E and F.

Rationale for Permit Requirements

A. Applicability Criteria

(1) Facilities Covered

Automotive dismantling for parts selling and salvage facilities are among the tier one category of facilities required to apply for storm water discharge permit coverage (s. NR 216.21(2)(a)(2), Wis. Adm. Code). Storm water discharged from these types of facilities typically has been in contact with industrial activities such as automotive fluid removal, dismantling, and processing. Pollutants that are likely contained in storm water runoff from these facilities are a concern for the Department when protecting the quality of the waters of the state.

(2) Discharges *Not* Covered

Non-storm water discharges to storm sewer systems can result in significant contamination of surface or groundwaters. This permit only authorizes the discharge of storm water associated with industrial activity. It does not authorize the discharge of other wastewaters, such as cooling water, non-contact cooling water, other process wastewater, domestic sewage, spills, or leaks. Some of these discharges (such as process wastewaters and cooling waters) can be authorized through another general or individual WPDES permit. These other permits will specify different conditions appropriate for the discharge so that surface and groundwater quality is protected. The Department of Natural Resources Bureau of Watershed Management should be contacted if these discharges occur to determine what type of permit coverage is needed.

Remedial action discharges or discharges authorized by a general permit for discharging contaminated or uncontaminated groundwater are not covered. These should be covered by other permits that will specify different conditions appropriate for the discharge so that surface and groundwater quality is protected.

Discharges of hazardous substances that are required to be reported under ch. NR 706, Wis. Adm. Code. The discharge of hazardous substances or oil in the storm water discharges from a facility shall be prevented or minimized in accordance with the Storm Water Pollution Prevention Plan (SWPPP). This permit does not relieve the permittee from the reporting requirements referred to under the Standard Conditions Part F.(18) Spill Reporting.

Segregated areas such as office buildings and associated parking lots are not considered an industrial activity and, consequently, are not covered under the storm water general permit *provided* the storm water discharged from these areas is kept separate from the storm water discharged from industrial activities. A facility's non-industrial areas receiving significant atmospheric deposition of contaminants from the facility's operation, *will* be covered under the storm water permit.

Coverage under an individual permit may be determined by the Department as more appropriate where: (1) The storm water discharge is a significant source of pollution; (2) The facility is not in compliance with the terms and conditions of this permit or Ch. NR 216, Wis. Adm. Code; or (3) Effluent limitations or standards are promulgated for a storm water discharge covered by this permit.

B. Requirements for all Discharges

(1) Storm Water Pollution Prevention Plan (SWPPP)

All persons owning or operating facilities covered under this permit (permittees) must prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). Development and implementation of a SWPPP is the cornerstone of the federal and state storm water management program, and is a federally required component of all state storm water permits, as well as a requirement of all tier 1 and 2 category facilities under ch. NR 216, Wis. Adm. Code. The planning requirements identified by US EPA and included into ch. NR 216, Wis. Adm. Code, are considered by the Department to be best available technology (BAT) and best conventional pollution control technology (BCT) for storm water for purposes of this permit. Further details about how to prepare a SWPPP can be found in the guidance publication *Industrial Storm Water Pollution Prevention Planning* (WDNR, Sept. 1994) available from the Department of Administration, Document Sales; telephone 1-800-362-7253; stock no. 1723.

This permit incorporates all of the major components required under s. NR 216.27, Wis. Adm. Code, for a SWPPP. This permit incorporates numerous detailed requirements in order to assure greater consistency and quality of these plans.

(1)(d) Potential Sources of Storm Water Contamination

The identification of the potential source areas of storm water contamination, significant materials exposed to storm water, and residual pollutants at the facility allows the permittee to focus and prioritize their pollution prevention efforts. Table A of this section gives the common source areas of storm water contamination and the time period within which the sources need to be controlled.

(1)(f) Permanent Structure, Cap, or Pavement Over Soil

Management of newly generated waste materials from their operations is the first step in addressing all environmental issues faced by the automotive dismantling for parts selling and salvage facilities . This

strategy will allow the industry to adjust their operations in a systematic manner to both prevent any further contamination at their sites, continue to operate as viable businesses, and to identify and address existing contamination.

The permittee should notify the Department when it proposes capping or paving of contaminated sites as a best management practice (BMP) to meet a storm water discharge permit requirement. This industry-specific storm water permit directs the permittee to investigate for potential contamination where capping is offered as a BMP to reduce or eliminate storm water contamination. The required investigation is limited to the areas where storm water BMPs will require capping or paving. The investigator takes into account the automotive dismantling for parts selling and salvage facilities' knowledge of the historical use of the area and utilizes either soil sampling or groundwater monitoring, based on that historical information.

If significant levels of residual pollutants are found the permittee shall submit to the WDNR Bureau of Remediation and Redevelopment the results of all tests taken, a description of the proposed capping or paving over the residual pollutants, and an explanation as to whether or not the proposed capping or paving is a remedial action that will comply with the requirements of the NR 700 rule series, Wis. Adm. Code.

(1)(h) SWPPP Implementation Schedule

This permit includes a four-phase timetable for pollution source control and compliance activities. The phases are to be carried out over a ten year period. This is longer than the maximum five year life of a WPDES general permit. The Department expects the permits reissued after the first five years will continue the phases within the ten-year timetable.

Table A of the permit contains details of typical storm water pollution sources to be controlled during the second, third, and fourth phases. Not all facilities will have all these sources, and the degree of concern and the relative cost and level of difficulty to control a particular source will vary for each facility. However, at most facilities, sources that will be addressed during Phase II of the timetable can be controlled at a relatively low cost using practical BMPs. Phase III sources will entail a moderate cost and level of difficulty to control. Control of Phase IV sources will generally require costly major structural improvements to the facility. The phased strategy intends to blend environmental concerns and implementability so that a comprehensive solution is achieved.

(2) Amending a SWPPP

The permittee may need to make amendments after the plan has been implemented. The need for additional control may become apparent through inspection, monthly visual checks, or annual chemical monitoring. In other cases, amendments may result from planned changes at the facility that create new or increased sources of storm water contamination. Examples of this might include surface regrading that changes drainage patterns, or expansion/changes in facility operations that create new impervious areas or possibly bring new contaminants into contact with storm water. The facility has the obligation to initiate plan amendments whenever these changes at the facility increase storm water pollutant loadings to either receiving waters or to storm water treatment devices. The Department may also initiate the amendment process by notifying the facility that an amendment is required when the Department determines the existing plan is ineffective.

Several paragraphs in Part B.(2) of the permit contain qualitative clauses that serve to "trigger" specific action by the permittee. For example, paragraph (1) requires that the SWPPP be amended if "significant" increases occur in the exposure of pollutants to storm water. A similar qualifier appears in paragraph (2) with respect to the "effectiveness" of storm water controls. The Department is not in a position to

establish numeric criteria at this point. The Department intends to work with industry to establish and monitor the implementation of best management practices.

(3) Evaluation of Non-Storm Water Discharges

The permittee must certify that the storm water discharge has been evaluated for the presence of non-storm water discharges. This may be done with a one-time evaluation using such techniques as dye testing, smoke testing, or video camera observation. Alternatively, a periodic (twice per year) visual inspection during dry-weather flow periods can be used as a testing method. In the event that a non-storm water discharge is detected, the permittee must assess the source of the discharge. Many types of non-storm water discharges will need coverage under some type of a WPDES permit, so it is important that the permittee obtain the additional coverage or eliminate the discharge. This section of the permit includes requirements and conditions for evaluating these discharges. A "failure to certify" option is allowed under s. NR 216.28(1)(d), Wis. Adm. Code, where a permittee states access to a suitable monitoring site is not available.

C. Additional Requirements for Discharges Where Permittee Elects to Participate in a Cooperative Compliance Program

An organization will provide the organizational structure of the cooperative compliance program (CCP). There may be more than one CCP active under this permit. For the automotive dismantling for parts selling and salvage facilities, individual operators within the industry will sponsor an organization to manage the CCP. This initiative will ideally be a model for other groups to work as full partners with the Department. It is anticipated that the CCP will be coordinated with the Cities of Milwaukee, Madison, and other affected municipalities. A CCP is required to comply with Part E of this permit.

(1) BMP and Treatment Practice Selection

Joint development of acceptable BMPs serves several purposes. First, it should encourage application of industry expertise and experience to storm water pollution prevention. Second, acceptable BMPs will allow the industry to operate with less uncertainty of whether there is compliance with the permit. Lastly, it should reduce the Department's efforts required for assistance, review, and enforcement.

(2) Conduct Monthly Inspections

An inspection by the permittee is needed to determine if the facility is operating in compliance with its SWPPP. The permittee should use the results of this inspection to determine the extent to which the facility's SWPPP needs to be updated to prevent pollution from new source areas, as well as to correct any inadequacies that the plan may have in handling existing sources.

D. Additional Requirements for Discharges Where Permittee Does not Participate in a Cooperative Compliance Program

It is not certain that all facilities will participate in a CCP. It is also probable that a facility may start in a CCP and become ineligible to continue participation. This alternative track is provided for those facilities. This track follows the requirements of Parts A, B, D and F. Facilities choosing this option will have the same timetable for controlling source areas but will need to accept additional requirements to replace the compliance effort of the CCPs. These facilities will need to follow a more conventional means of evaluating the performance of the BMPs implemented.

(1) Storm Water Pollution Prevention Plan (SWPPP)

Part of the SWPPP documentation is a checklist of inspections, a monitoring schedule by outfall, and records of annual employee training and awareness programs.

(2) Monitoring Requirements

The first level of storm water monitoring consists of a comprehensive annual facility site compliance inspection (AFSCI) to determine if the facility is operating in compliance with its SWPPP. The permittee should use the results of this inspection to determine the extent to which the facility's SWPPP needs to be updated to prevent pollution from new source areas, as well as to correct any inadequacies that the plan may have in handling existing sources.

The second level of storm water monitoring consists of quarterly visual observations of storm water leaving the site during runoff events caused by snow-melt or rainfall. This is a practical, low cost tool for identifying obvious contamination of storm water discharges, and can also help identify which practices are ineffective. This period will depict the worst case situation, which is appropriate for spotting problem areas. The goal of quarterly inspections is to obtain results from a set of four inspections that are distributed as evenly as possible throughout the year and which depict runoff quality during each of the four seasons.

The third level of storm water monitoring consists of annual chemical monitoring for permittees with more extensive exposure. The sampling of storm water and analysis is required so that data is gathered, in addition to the other levels of monitoring, to be used in evaluating the effectiveness of the SWPPP and associated BMPs. Constituents were selected based upon the Federal Multi-Sector Storm Water General Permit, analytical data from automotive dismantling/salvage industries, and permits by other States.

Under s. NR 216.28(5), Wis. Adm. Code, the Department may waive specific monitoring requirements for just cause, as provided in the permit. The monitoring approach may need to be modified to adapt to certain situations, such as seasonal or temporary operations. In addition, the Department may grant other waivers, for example: if the only events that produce runoff occur during times when staff are not present at the facility or when it is dangerous to attempt to perform the required monitoring. Should this occur, the Department may waive the submittal of inspection data for the affected quarter. This waiver will not be available for permittees that fail to conduct the required inspections/monitoring when conditions are appropriate.

(3) Compliance and Reporting Requirements

This permit has a "rolling" compliance schedule for each permittee. The schedule starts when the permittee receives a cover letter with the permit from the Department. The cover letter will have a permit "start date." Consequently, all permittees have the same number of days in which to complete specified activities regardless of when the permit becomes effective at the facility. The permit differentiates between new and existing facilities only in the time frame by which they must create their SWPPP. Existing facilities will need to complete a SWPPP and submit a summary of the plan to the Department within 12 months of their permit effective date. Facilities constructed after October 31, 1994 must prepare a SWPPP and submit the summary prior to initiating construction.

The permit requires the first AFSCI to be conducted within 24 months from the effective date of the permit, and first AFSCI report to be submitted to the Department within 30 months from the effective date of the permit.

E. Cooperative Compliance Program and Eligibility Requirements

This section includes requirements for an organization to notify the Department of its intent to operate as a Cooperative Compliance Program (CCP) and contains the requirements to become and remain eligible as a CCP under this permit.

F. Standard Permit Conditions

This section includes requirements to comply with this general permit and the applicable State laws and regulations.

Any individual wishing further information should contact:

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